

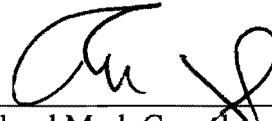
**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

DeWayne Alphonza El-Bey)	Civil Action No. 2:16-3241-RMG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Frederick Reed Hoose, <i>et al.</i> ,)	
)	
Defendants.)	
)	

This matter is before the Court on the Report and Recommendation of the Magistrate Judge, recommending this action be dismissed without prejudice under Rule 41 of the Federal Rules of Civil Procedure. Plaintiff DeWayne Alphonza El-Bey proceeds proceeding *pro se* and *in forma pauperis* in this civil action filed under 42 U.S.C. § 1983. This Court issued a second Proper Form Order on October 4, 2016, giving Plaintiff 21 days, plus 3 days for mail transit time, to bring this case into proper form. Plaintiff failed to bring this case into proper form, and on November 10, 2016, the Magistrate Judge issued a Report and Recommendation stating, "Plaintiff has failed to bring this case into proper form, and the time for doing so has expired." (Dkt. No. 11.) Plaintiff filed no objections to the Report and Recommendation, but instead finally provided the service documents required to bring the case into proper form. (Dkt. No. 13.) As the Magistrate Judge stated, the time for bringing the case into proper form had expired. The opportunity to object to the Report and Recommendation was an opportunity for Plaintiff to show cause for his failure to comply with the Court's proper form order. Plaintiff has not attempted to explain his failure to obey the Court's order.

The Court therefore **ADOPTS** the Report and Recommendation (Dkt. No. 11) as the Order of the Court, and **DISMISSES WITHOUT PREJUDICE** the complaint.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Court Judge

December 15, 2016
Charleston, South Carolina